

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE
JOSE I. TORRES ROQUE
DEBTOR(S)

CASE NO. 05-01536 ESL
CHAPTER 13

MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

TO THE HONORABLE COURT:

COMES NOW DEBTOR represented by the undersigned attorney and very respectfully **ALLEGES, STATES** and **PRAYS:**

1. Debtor(s) filed and circulated a MODIFIED PLAN to all parties in interest.
2. That the modification is based in that Debtor(s) want(s) to amend the plan in order to:

a) To include the arrears in the amended plan.

b) To request attorney fees in the amount of \$100.00

Debtor paid up front the amount of \$250.00.

3. Debtor's amended plan calls for nine (9) payments of \$520.00, eight (8) payments of \$115.00, zero payments in seven months, six (6) payments of \$115.00, zero payments in six months, ten (10) payments of \$120.00, zero payments in six months and eight (8) payments of \$120.000 for a total base of \$8,450.00.
4. The reason for the arrears is that during several months the Debtor had a reduction of income due to the economic situation.
5. The Debtor has expressed to the undersigned that this situation has been resolved and that he will be able to continue with his payments to the chapter 13 Trustee on July 2009.

WHEREFORE, Debtor respectfully requests from this Honorable Court to accept this motion and grant Debtor the opportunity to modify the confirmed plan according to 11 USC 1329 and provide any other remedy it may deem appropriate.

NOTICE

“Parties in interest are hereby granted twenty (20) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time the Court will enter an order granting the motion upon the filing of a certificate by the movant that adequate notice was given. Should an opposition be timely filed the Court will schedule the motion for a hearing as contested matter. Absent good cause, untimely rejections shall be denied.”

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF Filing System which will send a notification of such filing to the Chapter 13 Trustee, to the US Trustee and to all subscribed users. I hereby certify that I have mailed by United States Postal Service to the following non CM/ECF participants as per the attached master address list upon knowing that they are non CM/ECF participants.

RESPECTFULLY SUBMITTED

In San Juan Puerto Rico, this 5th day of June, 2009.

S/Víctor Thomas Santiago, Esq.
Thomas & Magriñá Law Office
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

Jose L Torres Roque

BK. CASE # *05-01536 EL*

CHAPTER 13

DEBTOR(S)

CHAPTER 13 PAYMENT PLAN

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____

☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED: *June 5, 2009*

FILED BY ☒ DEBTOR ☐ TRUSTEE ☒ OTHER *Attney*

$\$ 520 \times 9 = 4,680$
 $\$ 115 \times 8 = 920$
 $\$ 0 \times 7 = 0$
 $\$ 115 \times 6 = 690$
 $\$ 0 \times 6 = 0$
 $\$ 120 \times 10 = 1,200$
 $\$ 0 \times 6 = 0$
 $\$ -120 \times 8 = -960$

\$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from

☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than, and in addition to the above.

\$ _____ x _____ = _____

PROPOSED BASE: \$ *8,450.00*

III. ATTORNEY'S FEES

(Treated as § 507 Priorities)

- Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ *1,544*
- Additional Fees: \$ *100*
- Adjusted Balance: \$ *1,644*

Signed: _____

DEBTOR

JOINT DEBTOR

II DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____

B. SECURED CLAIMS.

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☐ Trustee pays secured ARREARS:

Cr. _____ Cr. _____ Cr. _____
 # _____ # _____ # _____
 \$ _____ \$ _____ \$ _____

2. ☒ Trustee pays IN FULL Secured Claims

Cr. *M. Benito* Cr. _____ Cr. _____
 # *\$580.15* # _____ # _____

3. ☐ Trustee pays VALUE OF COLLATERAL

Cr. _____ Cr. _____ Cr. _____
 # _____ # _____ # _____
 \$ _____ \$ _____ \$ _____

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:

Auto Toyota credit / share to coop housing vendor

5. ☐ OTHER: _____

6. ☐ Debtor Otherwise maintains regular payments directly to: _____

C. PRIORITIES. The Trustee shall pay priorities in accordance with the law.

(11 U.S.C. § 507 and § 1322 (a)(2))

D. UNSECURED CLAIMS. Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: _____

☐ Paid 100% / ☐ Other: _____

Cr. _____ Cr. _____ Cr. _____
 # _____ # _____ # _____

(b) ☐ Other: _____

2. ☒ Unsecured Claims otherwise receive PRO-RATA disbursements

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecured, etc.)

ATTORNEY FOR DEBTOR:

Victor C Thomas Santiago

Phone: *(787) 722-5601*

Label Matrix for local noticing
0104-3
Case 05-01536-ESL13
District of Puerto Rico
Old San Juan
Fri Jun 5 12:54:36 AST 2009

US TRUSTEE
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SAN JUAN, PR 00901-1938

US Bankruptcy Court District of P.R.
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San Juan, PR 00901-1964

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BAYAMON PR 00960-1142

FIRSTBANK
PO BOX 13817
SAN JUAN PR 00908-3800

RESURGENT CAPITAL SERVICES
PO BOX 10587
GREENVILLE, SC 29603-0587

TOYOTA CREDIT
PO BOX 366251
SAN JUAN PR 00936-6251

WESTERN BANK
PO BOX 1180
MAYAGUEZ PR 00681-1180

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End of Label Matrix	
Mailable recipients	25
Bypassed recipients	2
Total	27